

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MICHAEL FIORITO,

Civil No. 22-1368 (JRT/TNL)

Petitioner,

v.

ORDER

WARDEN FIKES, et al.,

Respondents.

Michael Fiorito, Reg No. 00414-424, FCI-Herlong, P.O. Box 800, Herlong, CA 96113, *pro se* petitioner.

Ana H Voss, Assistant United States Attorney, **UNITED STATES ATTORNEY'S OFFICE**, 300 South 4th Street, Suite 600, Minneapolis, MN 55415, for respondents.

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated November 1, 2022 (ECF No. 10), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. This matter is **TRANSFERRED** to the United States District Court for the Eastern District of California pursuant to 28 U.S.C. § 1631.
2. Petitioner Michael Fiorito's motion that this case remain with this Court (ECF No. 9) is **DENIED**.

Dated: December 14, 2022
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Court